THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

-

WRIT PETITION NO :14024 of 2005

-

Dated: 06.09.2005

Between:

A.C. Sadasiva Naidu, S/o Chandrappa Naidu. .. **Petitioner**

And

The Director General of Police, D.G.P. Office,

Lakdikapool, Hyderabad and three others. **.. Respondents**

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :14024 of 2005

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking a direction, in the nature of writ of mandamus, declaring denial of relief relating to payment of his back wages as illegal, erroneous

and unconstitutional and to set aside the Order dated 23.04.2003 in O.A.No.9894 of 2001 passed by the A.P. Administrative Tribunal, Hyderabad, to the extent of denying the relief of back wages and to direct the respondents to reinstate the petitioner with effect from 20.10.1990, the date of suspension.

The case of the writ petitioner, in brief, is as follows:

The petitioner was suspended on 20.10.1990 on the ground that he was involved in a Sessions Case No.8 of 1994 and in the said case, the petitioner was convicted and sentenced by the 2nd Additional Sessions Judge, Mandanapalli. Consequently, the petitioner was dismissed from service on 27.5.1997. However, on an appeal in Crl.A.No.525 of 1997 preferred by the petitioner against the conviction and sentence passed in S.C.No.8 of 1994, the petitioner was acquitted. Hence, the petitioner approached the respondents seeking reinstatement, but of no avail. Thereafter, he approached the Tribunal by filing O.A.No.9894 of 2001. The Tribunal having found bonafides on the part of the petitioner, directed the respondents to reinstate the petitioner into service, but without back wages. Hence, the present writ petition.

The learned Counsel for the petitioner contends that as the petitioner was acquitted in the Sessions case, he is entitled for all the benefits and therefore, the suspension period shall not be excluded while giving attendant benefits and that rejection of back wages is not tenable and therefore, the order of the Tribunal is liable to be set aside.

On the other hand, the learned Government Pleader opposed the contentions raised by the learned Counsel for the petitioner.

Perused the material available on record.

A perusal of the order impugned clearly goes to show that the petitioner was set at liberty from the criminal proceedings. But the disciplinary proceedings are pending against him. In spite of the fact that the disciplinary proceedings are pending, the Tribunal while taking into consideration of the acquittal recorded in the criminal appeal, took a lenient view and ordered reinstatement of the petitioner, but without back wages. However, it is made clear by the Tribunal that the order passed by it, does not preclude the authority to proceed with the enquiry. Pursuant to the same, the respondent-authority issued proceedings dated 9.6.2003, reinstating the

petitioner. In this regard, it is not out of place to mention that admittedly, disciplinary proceedings are pending against the petitioner and therefore, it cannot be said that he has been exonerated from all the proceedings pending against him. In this background of the matter, we feel that the Tribunal is justified in ordering the reinstatement, without any back wages and as such, the findings as well as the observations made by it, do not warrant any interference by this Court. Hence, We see no merits in this writ petition and the same is liable to be dismissed.

In the result, the writ petition is dismissed. No order as to costs.

_____

Justice T. Meena Kumari

_____

Justice P. Lakshmana Reddy

Dated: 06.09.2005

Nn.